

REMARKS

Claims 1-20 are now pending in this application. Claims 1 and 8 have been amended, and new claim 20 was introduced. Support for claim 20 is found at e.g. p. 2 lines 9-16 of Applicant's specification.

Claim 1 was objected to on the basis of an informality. Claim 1 has been amended to address the informality.

Claims 1-15, 17, and presumably 19 were rejected under 35 U.S.C. Sec. 103(a) as being obvious over U.S. Pat. No. 4,505,260 (Metzger) in view of U.S. Pat. No. 3,206,858 (Fleischer) and U.S. Pat. No. 4,416,264 (Herrick). Applicant respectfully traverses the rejection.

The references fail to provide the features of the claimed subject matter set forth in claim 1 and its dependent claims 2-15 when the references are combined. Fleischer discloses a boiler having a means for supporting a bank of tubes adapted to extend horizontally comprising a pair of parallel pipes extending vertically, each pipe having a plurality of vertically spaced pairs of axially aligned openings extending horizontally therethrough, a sleeve forming a horizontal passage through the pipe and received in each pair of openings, means to supply a cooling fluid through said pipes and around said passages, the passages in each pipe being aligned horizontally with a passage in the other pipe, a supporting member received in and extending through each pair of aligned passages, and a tube supporting element surrounding each member between said pipes.

When applying the teaching of Fleischer to the arrangement disclosed in Metzger, a person of ordinary skill in the art would have tried to implement the pair of parallel vertical pipes taught in Fleischer into the space defined by the collector wall 12' of Metzger (Fig. 5), and the person of ordinary skill would also have implemented a cooling fluid supply into the vertical pipes and at least a supporting member received in and extending through a pair of horizontally aligned passages in the vertical pipes as taught in Fleischer. That would have been the obvious solution of the person of ordinary skill in the art trying to apply the teaching of Fleischer to the arrangement disclosed in Metzger, and it is far from what is claimed.

To reach amended claim 1 from Metzger in view of Fleischer and Herrick in an obvious manner is impossible because to do so goes against what Fleischer taught was necessary, that one must incorporate an intermediate means comprising cooled vertical tubes to support the support members whereas in Applicant's invention the support rollers are supported on sidewalls of the trough channel. In view of the foregoing, the subject matter of independent claim 1 and its dependent claims 2-15 is not obvious from Metzger in view of Fleischer and Herrick.

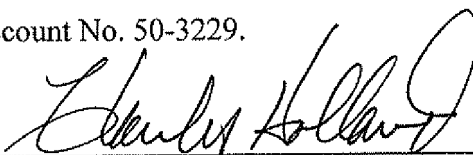
Claims 16 and 18 were rejected under 35 U.S.C. Sec. 103(a) as being unpatentable over Metzger, Fleischer, and Herrick as applied to claim 1 and further in view of U.S. Pat. No. 5,860,414 (Steinman). Applicant respectfully traverses and submits that claims 16 and 18 are patentable for at least the reasons discussed above for claim 1 upon which claims 16 and 18 depend.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

The Office is hereby authorized to charge any additional fee required by this paper or credit any overpayment in the manner authorized above, in the manner shown above, any additional fees that may be required by this paper and during the entire pendency of this application, or credit any overages, to the Deposit Account No. 50-3229.

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